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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Masahiro Hinami

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Gregory P. LaPointe
BACHMAN & LaPOINTE, P.C.
900 Chapel Street, Suite 1201
New Haven, CT 06510-2802

EXAMINER

SHAH, MILAP

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

10/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/801,996

Applicant(s)

HINAMI, MASAHIRO

Examiner

Milap Shah

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 21, 2007 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 7, & 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamashita (U.S. Patent No. 6,231,440).

Claims 1, 4, 7, 8: Yamashita generally teaches a game system in which two fighting characters may battle in terms of short-range means or long-range means depending on the distance determined, by the computer, between the two characters. Specifically Yamashita discloses the weapons of the fighting characters in the virtual space of the game are switched during the fight, according to whether the distance L between the challenger C1 and the enemy C2 is a short distance, a mid-distance, or a long distance. As an example, Yamashita discloses that when the distance L between

the two fighting characters is a short distance within the distance L1, the characters fight using their bodies. When the distance L is a long distance greater than both the short and mid-distances, the characters fight using bazookas, which is considered a long-range means (figure 4 and column 7, lines 47-67). For such an operation to properly work, there must be inherent processes within the computing to carry out the generation of images representing the short range and long range means. Therefore, the Examiner submits the following are inherent within Yamashita: Yamashita must inherently (i.e. necessarily present) include a first generator having a first controller (figure 3[CPU 101]) for generating and controlling data representing a normal state, wherein the normal state imaging appears to be the imaging in which the two characters are simply displayed in a state in which they are "about to battle". Yamashita must also inherently include a second generator and second controller (figure 3[CPU 101]) for generating and controlling data presenting the combat state, wherein the combat state imaging appears to be the imaging in which the two characters are actually fighting. The second controller that generates the combat state is considered to generate such a state in real-time (i.e. as the players are playing the game), where the fighting game of Yamashita does not appear to be a turn-based game, thus would not have any turn-based generation of image data and only real-time generation of image data during play of the game. Yamashita also inherently includes a plurality of areas in the normal state image, such that the two characters C1 and C2 positioned in figure 4 may be considered to be positioned in one of the areas or two of the areas, as each of the plurality of areas does not appear to have any bounds and it appears that the limitation may even be broadly interpreted as each pixel within the imaging is one of the plurality of areas. In the situation that characters C1 and C2 of figure 4 are in two different areas that are not adjacent (depending on interpretation), Yamashita must also inherently include the "selector" for selecting the combat state imaging since it should have been determined that the

two characters C1 and C2 are not in adjacent areas and thus require a combat state image to battle in long-range means. Therefore, the Examiner submits that the various components must be included within the gaming system of Yamashita for the disclosure of the selection of short range versus long range means to operate properly. Regarding claims 7 and 8, the method and computer-readable medium claims mirroring the limitations of claim 1 would also be anticipated by Yamashita for at least the reason that given the method of determining a short range or long range means and preparing imaging based on the determination is disclosed by Yamashita as discussed above. And, where the computer-readable medium claims would be anticipated since all of the above is based on a "computer" performing said method, which requires an equivalent computer program. Regarding claim 4, distance detection and imaging based upon the distance detected is discussed above.

Claim 2: In Yamashita the pre-set conditions are L1, L2, & L3, which are the various distance levels determined to select which imaging and which fighting means (i.e. short-range or long-range) are carried out by the characters, thus, Yamashita discloses operation data including an instruction that the desired one of the at least one player's element should fight against a desired one of the at least one opponent's element, such that when character C1 approaches character C2 (may be considered an instruction for the desire to engage in a battle) and comes within the distance L1, the characters begin a short-range means battle using their bodies only (figure 4 and column 7, lines 47-67).

Response to Arguments


Applicant's arguments with respect to claims 1, 2, 4, 7, & 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert Pezzuto
Supervisory Patent Examiner
Art Unit 3714

/MBS/